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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STERLING ATKINS,

Petitioner,

2:02-cv-01348-JCM-PAL

vs.

**ORDER**

TIMOTHY FILSON *et al.*,

Respondents.

\_\_\_\_\_ /

In this capital habeas corpus action, the respondents filed a motion to dismiss on December 22, 2016 (ECF No. 192). The petitioner, Sterling Atkins, filed an opposition to that motion on April 21, 2017 (ECF No. 202). With his opposition to the motion to dismiss, Atkins also filed a motion for leave to conduct discovery (ECF Nos. 201, 204) and a motion for evidentiary hearing (ECF No. 203).

On May 5, 2017, respondents filed a motion for extension of time (ECF No. 205), requesting that the time for them to respond to the motion for leave to conduct discovery and motion for evidentiary hearing be extended to May 22, 2017, the same date on which their reply in support of their motion to dismiss is due.

Respondents' responses to Atkins' motion for leave to conduct discovery and motion for evidentiary hearing are already due on May 22, 2017; the scheduling order in this case makes those responses due "concurrently with, but separate from, their reply in support of their motion to

1 dismiss.” Order entered August 10, 2015 (ECF No. 167). Respondents’ motion for extension of  
2 time is, therefore, unnecessary and moot, and it will be denied on that ground.

3 **IT IS THEREFORE ORDERED** that respondents’ Unopposed Motion for Enlargement of  
4 Time (ECF No. 205) is **DENIED** as unnecessary and moot. Respondents’ reply in support of their  
5 motion to dismiss, response to petitioner’s motion for leave to conduct discovery, and response to  
6 motion for evidentiary hearing are due on May 22, 2017.

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8 Dated this 5<sup>th</sup> day of May, 2017.

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UNITED STATES DISTRICT JUDGE